

UNOFFICIAL COPY

Fresno, California

January 14, 2003

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Cindy Hamby, Deputy City Clerk

Dr. Consuelo Sterling-Meux gave the invocation, and Councilmember Calhoun led the Pledge of Allegiance to the Flag.

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APPROVE CITY COUNCIL MINUTES OF JANUARY 6 & 7, 2003

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of January 6 and 7, 2003, approved as submitted.

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APPROVE AGENDA:

(11:00 A.M.) DISCUSSION AND DIRECTION ON CURRENT CITY CAMPAIGN ORDINANCE (ARTICLE 22) TO INCLUDE: (COUNCILMEMBER DUNCAN)

- A.** ESTABLISHMENT OF PERMANENT ENFORCEMENT AUTHORITY
- B.** INDEPENDENT CAMPAIGN EXPENDITURE ACCEPTANCE AND REPORTING
- C.** REVIEW OF DEFINITIONS OF POLITICAL COMMITTEES
- D.** ANY OTHER CHANGES AS APPROPRIATE

Continued to January 28, 2003 by Councilmember Duncan.

(2:30 P.M.#1) CONTINUED HEARING TO CONSIDER ENVIRONMENTAL IMPACT REPORT NO. 10131, PLAN AMENDMENT APPLICATION NO. 00-07, REZONING APPLICATION NO. 00-13, FILED BY HALFERTY DEVELOPMENT, FOR 9.4 ACRES LOCATED ON THE SOUTHEAST CORNER OF N. BRAWLEY AND W. HERNDON AVENUES (*PROPERTY LOCATED IN DISTRICT 2*) - PLANNING AND DEVELOPMENT DEPT.

Continued to January 28, 2003 at 2:30 p.m.

DISCUSSION REGARDING CONSIDERATION OF WAYS IN WHICH THE POLICE AND FIRE DEPARTMENTS CAN BE MANAGED IN ORDER TO PROVIDE OPTIMUM PROTECTION FOR THE CITIZENS OF FRESNO WITH THE POSSIBILITY OF IMPLEMENTING A DEPARTMENT OF PUBLIC SAFETY - COUNCILMEMBER CALHOUN

To be placed on the February 4, 2003, Council agenda under City Council.

DISCUSSION REGARDING THE FRESNO LANDFILL BEING A NATIONAL HISTORIC MONUMENT - COUNCILMEMBER CALHOUN

To be placed on the February 4, 2003, Council agenda under City Council.

On motion of Councilmember Sterling, seconded by Councilmember Dages duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1-A) APPROVE LICENSE AGREEMENT WITH FRESNO UNIFIED SCHOOL DISTRICT TO DEVELOP JOINT USE PARKING LOT AT LARGE PARK, PROPERTY LOCATED SOUTH OF GETTYSBURG, ADJACENT TO MILLBROOK AVENUE - PARKS AND RECREATION DEPARTMENT

(1-C) APPROVE AMENDMENT TO AGREEMENT WITH PROVOST & PRITCHARD ENGINEERING GROUP, INC. IN THE AMOUNT OF \$22,800 FOR PROFESSIONAL SERVICES RELATED TO THE EFFLUENT DISTRIBUTION SYSTEM IMPROVEMENTS AT THE FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT TO AGREEMENT ON BEHALF OF THE CITY - PUBLIC UTILITIES DEPT.

(1-D) * RESOLUTION NO. 2003-5 - 56TH AMENDMENT TO AAR NO. 2002-216 APPROPRIATING \$42,300 TO INCREASE FIRE FY 2003 BUDGET RECEIVED AS REIMBURSEMENT FOR MUTUAL AID ASSISTANCE IN WILDLAND FIREFIGHTING ACTIVITIES BY THE FIRE DEPARTMENT (*REQUIRES 5 AFFIRMATIVE VOTES*) - FIRE DEPARTMENT

(1-E) APPROVE THE CITY COUNCIL MEETING SCHEDULE FOR 2003 - CITY CLERK'S OFFICE

(1-F) RESOLUTION NO. 2003-6 - ORDERING THE SUMMARY VACATION OF A PORTION OF NANTUCKET AVENUE SOUTH OF HERNDON AVENUE - PUBLIC WORKS/ENG.

(1-H) ACCEPT A HAZARD ELIMINATION SAFETY (HES) GRANT FROM THE STATE OF CALIFORNIA FOR THE PURCHASE AND INSTALLATION OF EMERGENCY VEHICLE TRAFFIC SIGNAL PREEMPTION EQUIPMENT AT VARIOUS LOCATIONS ALONG HERNDON AVENUE, BLACKSTONE AVENUE, FRESNO STREET AND FIRST STREET- PUBLIC WORKS DEPT.

1. * RESOLUTION NO. 2003-7 - 64TH AMENDMENT TO AAR NO. 2002-216 APPROPRIATING \$358,000 IN FEDERAL GRANT FUNDS TO THE PUBLIC WORKS CAPITAL BUDGET FOR THE TOTAL PROJECT COST (*REQUIRES 5 AFFIRMATIVE VOTES*)

(1-I) RESOLUTION NO. 2003-8 - AUTHORIZE ACCEPTANCE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC

BEVERAGE CONTROL (ABC), FY 2003-2004 FOR THE CALIFORNIA STATE UNIVERSITY PARTNERSHIP GRANT PROGRAM AWARD OF \$50,000 AND EXECUTION OF PROGRAM DOCUMENTS - POLICE DEPT.

1.* RESOLUTION NO. 2003-9 - 66TH AMENDMENT TO THE AAR RESOLUTION NO. 2002-216 TO APPROPRIATE \$18,300 FOR FY03 (*REQUIRES 5 AFFIRMATIVE VOTES*)

Barbara Hunt, 246 W. Bryd questioned the legality of the sale of alcohol at California State University, with Police Chief Dyer stating the agenda item dealt only with the acceptance of grant money.

(1-K) RESOLUTION NO. 2003-10 - AUTHORIZING ACCEPTANCE OF THE CALIFORNIA MULTI-JURISDICTIONAL METHAMPHETAMINE ENFORCEMENT TEAMS (CAL-MMET) 2002-3 GRANT PASS THROUGH AWARD OF \$263,242 AND EXECUTION OF PROGRAM DOCUMENTS - POLICE DEPT.

1. * RESOLUTION NO. 2003-11 - 59TH AMENDMENT TO AAR NO. 2002-216 APPROPRIATING \$197,400 FOR THE CAL-MMET PROGRAM (*REQUIRES 5 AFFIRMATIVE VOTES*)

(1-L) * RESOLUTION NO. 2003-12 - 62ND AMENDMENT TO AAR NO. 2002-216 APPROPRIATING \$1,196,600 IN GRANT FUNDS FROM THE NATIONAL PARK SERVICE, LAND AND WATER CONSERVATION FUND AND STATE DEPARTMENT OF PARKS AND RECREATION, ROBERTI-Z'BERG-HARRIS URBAN OPEN SPACE AND RECREATION PROGRAM, BLOCK GRANT, TO FURTHER DEVELOP THE VICTORIA WEST PARK AND ADJACENT SITES (*REQUIRES 5 AFFIRMATIVE VOTES*) - PARKS AND RECREATION DEPARTMENT

On motion of Acting President Castillo, seconded by Councilmember Dages, duly carried, RESOLVED, the **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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CONTESTED CONSENT CALENDAR:

(1-B) APPROVE AMENDMENT TO AGREEMENT FOR CONSTRUCTION OF ART GALLERY AND LEASE THEREOF AT RADIO PARK, LOCATED AT 2233 N. FIRST STREET - PARKS AND RECREATION DEPARTMENT

Councilmember Dages questioned the fact the original agreement on file with the City was dated in 1959, with Parks & Recreation Director Primavera stating there had been four amendments made to the agreement with brief discussion ensuing.

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED the amendment to the agreement for construction of an Art Gallery and lease at Radio Park, hereby approved, and the Arts Center granted an additional fifty feet of park space for future development needs, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(1-G) APPROVE THE SALE OF A SMALL ABANDONED WELL SITE TO AN ADJACENT OWNER, APN 407-442-29T (PROPERTY LOCATED BEHIND 6460 N. DELNO AVENUE, DISTRICT 2) - PUBLIC WORKS DEPT.

Councilmember Dages questioned whether the proposed property would ingress and egress on Carruth with Engineering Services Manager Kirn stating he would return in the afternoon with the answer. With Council concurrence the above listed item continued to 2:30 p.m.

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(1-J) RESOLUTION NO. 2003-13 - AUTHORIZING ACCEPTANCE OF 2002 WEED AND SEED GRANT PROGRAM PASS-THROUGH FUNDING OF \$271,660 FROM THE UNITED WAY OF FRESNO COUNTY - POLICE DEPT.

1. * RESOLUTION NO. 2003-14 - 60TH AMENDMENT TO AAR NO. 2002-216 TO APPROPRIATE \$203,500 FOR THE WEED AND SEED PROGRAM IN THE SOUTHEAST AND SOUTHWEST DISTRICTS (REQUIRES 5 AFFIRMATIVE VOTES)

Councilmember Calhoun stated this was an excellent program to eradicate crime, but expressed concern regarding the expansion of the program not including Pinedale, Highway City or Herndon City. Police Chief Dyer stated this was the sixth year the City had received grant money from the government, and the process in the past was that the Police Department would apply directly to the government, and the federal government only awards one site per City and elaborated. Police Captain Maroney explained the designated site selection process for the weed and seed program, discussed the restrictions made by the federal government, and stated in order to apply for another site, a steering committee needed to be formed, designate boundaries and go through the grant process. Councilmember Calhoun strongly requested he be included in the process and stated the areas designated for the programs should be brought to the City Council as the policy decision-making body.

City Manager Hobbs reiterated the Police Department looked statistically at crime sections and then prioritized and designated the areas where the most crime occurred.

Barbara Hunt, 246 W. Byrd stated there was high crime in southwest Fresno and the Weed and Seed Program was doing an excellent job.

Police Captain Garner, formerly assigned to the District 2 area, stated an attempt was made to include the Pinedale area, but staff could not apply for more than two sites in any one city and emphasized the importance of forming a steering committee in the Pinedale area and then re-applying for the program.

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-13 and 2003-14 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(1-M) * RESOLUTION NO. 2003-15 - 63RD AMENDMENT TO AAR NO. 2002-216 APPROPRIATING AN ADDITIONAL \$1,675,000 IN GRANT FUNDS FROM THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000 UNDER THE MURRAY-HAYDEN URBAN PARKS AND YOUTH SERVICES COMPETITIVE GRANT PROGRAM TO DESIGN THE DICKEY PARK YOUTH DEVELOPMENT CENTER (REQUIRES 5 AFFIRMATIVE VOTES) - PARKS AND RECREATION DEPARTMENT

Councilmember Calhoun stated over a period of time \$717,000 matching CDBG funds would be provided for the Dickey Park and expressed concern about losing CDBG funds last year and emphasized the importance of receiving more CDBG funds for one specific project. City Manager Hobbs discussed the match issue, stated

\$50,000 of CDBG funds was set aside the Dickey Park, and clarified the past issue regarding the loss of CDBG funds. Parks and Recreation Director Primavera gave a brief history of the grant applications and funds for the project. Mr. Hobbs stated the City was committed to the project and CDBG was the most likely candidate for funding, but the City could also look at other funding sources.

Councilmember Calhoun questioned the name of Chicano Youth Center, stated it appeared to be for certain individuals and questioned whether City Council could rename the center to Dickey Youth Development, with City Attorney Montoy stating the item before them today had nothing to do with the name of the center, but could return to Council at a later date with recommendations. Councilmember Calhoun made a motion to approve the above listed resolution, which was acted upon after brief discussion.

Barbara Hunt, 246 W. Byrd spoke to the issue.

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2003-15 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(1-N) * RESOLUTION -NO. 2003-16 - APPROVING THE TRANSFER OF \$30,000 FOR THE DUTIES OF THE COUNCIL PRESIDENT AND EXECUTIVE ASSISTANT TO THE COUNCIL DISTRICT 1 BUDGET FROM THE COUNCIL SUPPORT BUDGET - BUDGET

1-O) * RESOLUTION NO. 2003-17 - 10TH AMENDMENT TO RESOLUTION NO. 2002-217 (PAR) APPROVING THE MOVEMENT OF THE POSITION OF EXECUTIVE ANALYST TO COUNCIL FROM COUNCIL DISTRICT 7 TO COUNCIL DISTRICT 1 - BUDGET

Councilmember Calhoun stated the executive analyst position had been vacant for six months, and requested the position remain in the District 8's budget and the appropriated dollars for District 1 be moved to that district, stated he felt strongly about the position being a Council analyst position and not a Council President position. Budget Manager Smith reviewed the item, stated the Council President receives the additional funding as well as additional services and Mr. Calhoun suggested the above resolution be re-written and made a motion to move forward with the amendments. **(2-0)**

City Attorney Montoy recommended the two above entitled resolution be adopted as modified, with brief discussion ensuing. A motion to adopt the resolutions as modified was discussed with Councilmember Duncan subsequently withdrawing his second to the motion.

Councilmember Calhoun expressed concern with the position being changed every year a new Council President was appointed and encouraged Council be allowed to have input in the decision. President Boyajian recommended the analyst be appointed by the Fiscal Committee and reiterated the importance of the analyst representing the entire Council. Ms. Montoy stated the matter before Council would not amend past practice and could not be changed until July 1, 2003.

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On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-16 and 2003-17 hereby adopted, by the following vote:

Ayes : Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : Calhoun
Absent : None

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Acting President Castillo gave an overview of The Zone being development in District 4 and stated the developer officially changed the name of the project to "Village of Granite Park" for the purpose of letting people know it was not strictly a sports complex and described several of the enhancements of the Park.

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(3A) * BILL NO. B- 70 - (INTRO. 12/17/2002) - AMENDING SUBSECTIONS (A), (B), AND (C), (D) AND (F) OF SECTION 3-105 AND SUBSECTION (A) OF SECTION 3-109, ADDING SECTIONS 3-105.1, 3-105.2, 3-109.3 AND 3-113 TO, AND ADDING ARTICLE 5 TO CHAPTER 3 OF THE FRESNO MUNICIPAL CODE RELATING TO ADVERTISED COMPETITIVE BIDDING AND DESIGN-BUILD CONTRACTS

Capital Projects Manager Jarvis summarized the staff report and stated the ordinance would amend the Fresno Municipal Code to be consistent with the Charter. City Attorney Montoy reviewed the report more extensively, stated there was a Blue Ribbon Committee who submitted a comprehensive report to Council, and a charter amendment had been approved by the voters of Fresno.

Barbara Hunt, 246 W. Byrd, noted the importance of the open bid process for any project.

A motion to adopt the above was acted upon after discussion. Councilmember Dages expressed concern with the increase of the advertised competitive bidding threshold to \$100,000 and recommended the amount be changed to \$50,000 and made a motion to reflect the adjustment, which was later amended. Mr. Dages felt the amount of \$100,000 would not allow Council to be kept informed of various projects. City Manager Hobbs clarified the process and stated there were still many steps that needed to be followed. Purchasing Manager Taggart noted the City advertised all projects on the internet.

Councilmember Sterling concurred with the lowering of the threshold and stated that in order to reduce the budget deficit, the Council needed to provide input.

Ms. Montoy reiterated the process the Blue Ribbon Committee went through in providing a detailed report to Council was based on what other cities did and would streamline the process of going through the formal competitive bidding process. Ms. Montoy stated if Council was hesitant, the City Attorney's Office would provide a copy of the report and the item could be rescheduled for January 28, 2003, to discuss options and review the issue in more detail.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Bill No. B-70 continued to January 28, 2003, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(3C) UNDERGROUND UTILITY DISTRICTS (UUD) - PUBLIC WORKS DEPT.

1. CONSIDERATION OF APPROVING THE CRITERIA FOR RANKING PROPOSED UNDERGROUND UTILITY

DISTRICTS

2. PROVIDE DIRECTION ON ADDITIONAL PROJECTS TO BE INCLUDED IN THE 3-YEAR UUD PLAN
3. DIRECT STAFF TO PREPARE DOCUMENTS TO FORM ADDITIONAL UUDS IDENTIFIED BY COUNCIL

Engineering Services Manager Kirn reviewed the staff report including the additional projects to be included.

Barbara Hunt, 246 W. Byrd spoke to issue.

Mr. Kirn responded to questions raised by Councilmember Dages at the last Council meeting regarding whether the underground utilities would continue in southeast Fresno along Kings Canyon with Mr. Kirn stating the area in question would be continued. A motion to approve was made and acted upon after brief discussion.

Councilmember Calhoun expressed concern with not placing an approximate dollar amount on the ranking, with Mr. Kirn responding. City Manager Hobbs stated a more pure way was through establishing a methodology to help facilitate the process. Brief discussion ensued regarding the funding from Pacific Gas and Electric (PG&E) and their process. **(3-0).**

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, **RESOLVED** the Underground Utility District (UUD) score sheet hereby approved; staff directed to include the additional projects in the 3-year UUD Plan; and staff hereby directed to prepare documents to form additional UUD's identified by Council, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

3B) CONSIDERATION OF ELIMINATION OF CERTAIN URBAN GROWTH MANAGEMENT (UGM) AT-GRADE RAILROAD CROSSING FEES - PUBLIC WORKS DEPT.

1. * RESOLUTION - 400TH AMENDMENT TO MFS RESOLUTION NO. 80-420 TO AMEND THE ELIMINATION OF CERTAIN URBAN GROWN MANAGEMENT (UGM) AT-GRADE RAILROAD CROSSING FEES

2. * RESOLUTION - 44TH AMENDMENT TO AAR NO. 2002-216 APPROPRIATING \$1,259,500 TO REPAY LOANS TO AT-GRADE RAILROAD CROSSING AREAS A-C AND A-E AND TO PROVIDE FUNDS FOR AT-GRADE RAILROAD CROSSING REFUNDS *(REQUIRES 5 AFFIRMATIVE VOTES)*

Continued to January 28, 2003.

(10:00 A.M.) DIRECT CITY ATTORNEY AND STAFF TO RETURN TO THE CITY COUNCIL ON MARCH 11, 2003, AT 10:00 A.M. WITH ACTIONABLE ITEMS THAT WOULD PROVIDE THE COUNCIL WITH: (COUNCILMEMBER DUNCAN)

A. OPTIONS ON HOW THE CITY CAN ELIMINATE THE 85% WORKERS COMPENSATION PAYOUT AND REPLACE IT WITH A WORKERS COMPENSATION RATE CONSISTENT WITH STATE LAW AND FACILITATE THE OPPORTUNITIES FOR EMPLOYEES TO PURCHASE THEIR OWN PRIVATE SUPPLEMENTAL POLICY TO ADD ADDITIONAL BENEFIT IF THEY CHOOSE; AND

B. A CHARTER AMENDMENT THAT, IF APPROVED BY THE VOTERS, WOULD PROHIBIT CITY WORKERS COMPENSATION PAY-OUTS FROM EXCEEDING THE STATE REQUIREMENTS

City Attorney Montoy reviewed the Council's position, stated from the language of the agenda, this was just for discussion only, and the City Attorney's Office would return with options on March 11, 2003, but stated it was unlikely for Council to taken final action on any of the options because of the stages various Memorandums of

Understanding were in the negotiation process.

Councilmember Duncan reviewed the report, stated the system started in 1992, stated when an employee is out on Worker's Compensation they receive 85% of their salary tax free, and requested the City reduce the City's Workers Compensation rate to 66 2/3%. Councilmember Duncan stated when the item is returned for further discussion on March 11, 2003, options would be provided to reduce the rate and give opportunities to employees to purchase an optional supplemental insurance policy. He continued and discussed the City's cost of providing the 85%, reviewed statistics relating to Fresno Area Express, and introduced Veronica Ilickstone of AFLAC who made a brief presentation of their program.

Ms. Ilickstone stated AFLAC enhances employers benefit packages and works with over 1,000 companies in the Fresno area to assist employees on an off-the-job injury.

Councilmember Duncan reiterated the need for a change, stated it was wrong to have people make more money not working than working, and noted in his original agenda item, a charter amendment was listed, which he requested be removed from consideration. A motion to direct staff was discussed.

Speaking to the issue were: Adam Raimer, Amalgated Transit Union, Local 1027 Boardmember, discussed an article in the Fresno Bee where a reference was made to employee abuse of Workers Compensation and requested proof to backup the article; Ben Rash, 1486 N. College, stated this did not fall under Council approval, expressed concern regarding allegations, stated some employees often get hurt because of bad equipment and unsafe conditions and reviewed various ways for the City to save money; Barbara Hunt stated an employee should be paid the same on the job as on Workers' Compensation; Alex Correa, FCEA business representative, expressed concern regarding the appearance of promoting AFLAC, stated Allstate Insurance and Prudential would like an opportunity to address Council, wanted the correction of a statement of "the rest of the world is paying the State required minimum" as it was not true, stated the reference of all Fax driver overtime was attributed to injuries was also not true, and expressed the importance of providing training and the need for a consistent application of safety programs; and Gloria Torrez (address not submitted), spoke in opposition of privatizing Fresno Area Express.

Councilmember Perea expressed concern with the issue not being discussed in closed session, with City Manager Hobbs stating this was a budget issue and needed to be reviewed. Councilmember Perea stated if certain employees are abusing the system, those employees should be dealt with on an individual basis.

Ms. Montoy stated a governing body could take action after a meet and confer process, said certain MOU's are in existence at the present time, and recommended the issue be discussed in closed session.

On motion of Councilmember Perea, seconded by Acting President Castillo, duly carried, RESOLVED further discussion of the reduction of the 85% Workers Compensation payout to 66 2/3% to be tabled and discussed in closed session hereby approved, by the following vote:

Ayes	:	Castillo, Dages, Perea, Sterling, Boyajian
Noes	:	Calhoun, Duncan
Absent	:	None

Acting President Castillo stated for the record the Council would be discussing and receiving an update on the bargaining units in closed session today. Councilmember Calhoun stated a retirement benefit change was discussed in the past in open session, the Workers' Compensation issue should have been discussed in closed session, and stressed a process needed to be established.

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(3E) REAFFIRM THE FOUR-YEAR CONSOLIDATED PLAN PRIORITIES FOR THE FISCAL YEAR 2003-2004 ANNUAL ACTION PLAN PREPARATION - HOUSING, ECONOMIC, AND COMMUNITY DEVELOPMENT DEPT.

Housing and Economic Development Management Analyst Smith reviewed the report and recommended approval of reaffirming the ten priorities in the 2001-2004 Consolidated Plan.

Barbara Hunt, 246 W. Byrd, stated there were areas within the City that were not on the priority list that needed CDBG money for improvements. Councilmember Duncan and Acting President Castillo left the meeting briefly at 10:50 a.m.

Councilmember Dages requested the information be provided to Council prior to the item being presented, and made a motion to approve. Councilmember Perea requested Council consider setting money aside for a senior center and made an amendment to the motion for the plan to include a senior center.

(4-0) City Manager Hobbs stated the senior center could be added under the Plan for public facilities improvements, but stated today's action was for Council to approve the starting of the process and the funding would have to go through several review bodies before returning to Council for approval. Ms. Smith stated the applications for projects would be available January 23rd and would make sure Council received paperwork. A motion to approve the amended motion was acted upon after brief discussion. Councilmember Perea requested he be included as part of the Housing Committee when the process begins.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, **RESOLVED** the four-year Consolidated Plan priorities for the fiscal year 2003-2004 Annual Action Plan preparation, to include funding to be set aside for a senior center, hereby reaffirmed by the following vote:

Ayes	:	Calhoun, Dages, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	Castillo, Duncan

RECESS - 10:59 A.M. - 11:17 A.M. Councilmember Duncan and Acting President Castillo returned to the meeting.

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(3D) RESOLUTION NO. 2003-218 - SETTING FEBRUARY 4, 2003, AT 10:15 A.M. FOR THE PUBLIC HEARING TO CONSIDER FORMATION OF UNDERGROUND UTILITY DISTRICT NO. FRE-78 (ELM AVENUE BETWEEN JENSEN AVENUE AND NORTH AVENUE) -PUBLIC WORKS DEPT.

Engineering Services Manager Kirn reviewed the report. Barbara Hunt, 246 W. Byrd, spoke to the issue.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the above entitled Resolution No. 2003-18 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(5A) DIRECT THE CITY MANAGER AND STAFF TO PROVIDE COUNCIL, WITHIN 60-90 DAYS, RECOMMENDATIONS FOR REDUCING AIR POLLUTANTS BY MINIMUM OF 2 PERCENT EACH YEAR FOR MINIMUM OF THREE YEARS (MINIMUM REDUCTION OF 6 PERCENT BETWEEN JULY 1, 2003 AND JUNE 30,

2006). RECOMMENDATIONS TO INCLUDE BUDGET IMPLICATIONS - COUNCILMEMBER CALHOUN

Councilmember Calhoun stated action was required, said the City had a role to play and recommended staff research a broad-based approach to air pollution and return to Council with those recommendations. A motion to approve was acted upon after discussion. Councilmember Calhoun stated his directive would provide the means to compliment other entities in reducing pollution with the objective of achieving a 6 percent reduction of air pollutants under the control of the City over a three year period beginning July 1, 2003 through June 30, 2006.

Barbara Hunt, 246 W. Byrd, reviewed various means of air pollution within the City.

Councilmember Duncan questioned how much pollution the City generates per year with City Manager Hobbs stating he had provided Council with a report from COG that provided both the percent of pollution from sources as well as the tonnage. Mr. Hobbs stated the Mayor's Office is represented on the Council of Fresno County Governments, noting 60% of the air pollution was generated from mobile sources, the Mayor's staff was putting together a Master Transportation Plan and also noted that a broad-based coalition had been formed that would seek funding to reduce pollution in the valley. Mr. Hobbs stated the Mayor would be going to Washington where he would discuss getting assistance from the government. He recommended returning to Council within 60 to 90 days with a report on what had occurred with the Master Transportation Plan and the Valley Coalition, or bring back to Council a complete menu of steps that could be taken and requested Council put no limits on the menu.

Councilmember Perea stated this was a very important issue, and questioned the financial obligations to the City with Councilmember Sterling stating the City needed to take an aggressive role so as to not cost additional funds.

President Boyajian expressed the importance of performing environmental impact reports, adding the City should look at the consequences as projects are approved.

Acting President Castillo requested no decision be made until the Mayor presents options and a report on his trip to Washington.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED the City Manager and staff hereby directed to provide Council, within 60-90 days, recommendations for reducing air pollutants by a minimum of 2 percent each year for a minimum of three years with minimum reduction of 6 percent between July 1, 2003 and June 30, 2006 with recommendations to include budget implications, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Boyajian
Noes	:	Castillo, Perea
Absent	:	None

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(5B) DIRECT STAFF, CITY CLERK AND CITY ATTORNEY TO PREPARE AMENDMENTS TO RESOLUTION REGARDING COUNCIL RULES AND PROTOCOL TO ALLOW REORGANIZATION OF COUNCIL AGENDA AND MEETING FORMATS TO PROVIDE INCREASED PRODUCTIVITY AND EFFICIENCIES BY THE CITY COUNCIL - COUNCILMEMBER CALHOUN

Councilmember Calhoun reviewed the recommendations in his proposal, including providing material for individual Council agenda items, stated it was a time for change and improvements and recommended Council have

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a study session, possibly one Tuesday out the month, for the purpose of receiving information and asking questions. He also suggested Council streamline the meetings and requested feedback from Council.

Barbara Hunt, 246 W. Byrd, expressed concern with closed session, and approving the consent calendar in one motion.

Councilmember Sterling stated she attended an orientation in Sacramento for new Councilmembers and concurred with study sessions being helpful. **(5-0)**

City Manager Hobbs encouraged the formation of a study session, and the need for a structured communication between the Mayor, Council President and the Redevelopment Agency Chair every two to three weeks. Mr. Hobbs reviewed the importance of briefing the Councilmembers by the Department Directors, and noted he has made Council a high priority and that the City Manager's door was always open.

Councilmember Duncan recommended forming a committee to include Councilmember Calhoun, President Boyajian and another interested Councilmember to review ideas and return with a consensus, with Council concurrence.

City Attorney Montoy stated some of the rules and protocol did need to be updated and the Attorney's Office would like to work with the committee and report back to Council. Ms. Montoy also noted that very serious matters were often discussed in closed sessions and there was room for efficiencies. With Council consensus, the City Attorney, City Clerk and Assistant City Manager Souza to assist the Council committee, consisting of Councilmembers Calhoun, Sterling, and Council President Boyajian.

City Attorney Montoy announced the closed session issues.

LUNCH - 12:09 P.M. - 2:00 P.M.

2:00 PM CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6

CITY NEGOTIATOR(S): SEVERO ESQUIVEL, ADELA GONZALES AND JORGE C. AGUINIGA

EMPLOYEE ORGANIZATION(S):

1.UPDATE FROM CITY NEGOTIATING TEAM REGARDING STATUS OF UNION CONTRACTS -
COUNCILMEMBER CASTILLO
FRESNO CITY EMPLOYEES ASSOCIATION (FCEA) UNIT 03
AMALGAMATED TRANSIT UNION (ATU) UNIT 06
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW) UNIT 07

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Govt. Code Section 54956.9(a)

1. CASE NAME: LUIS GUAJARDO V. CITY OF FRESNO, ET AL

2. CASE NAME: CITY OF FRESNO V. JOHN R. COLEMAN, ET AL.

3. CASE NAME: OLD HAMMER FIELD/FRESNO AIR TERMINAL (OHF/FAT) ENVIRONMENTAL SITE; AND
BAKMAN WATER CO. V. CITY OF FRESNO, ET AL.

The City Council met in closed session in Room 2125 at the hour of 2:00 p.m. to consider the above matters and returned to open session at 3:36 p.m.

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2:30 P.M.#2 HEARING ON PLAN AMENDMENT APPLICATION NO. A-01-31 AND REZONING APPLICATION NO. R-01-54, MITIGATED NEGATIVE DECLARATION AND ADDENDUM FOR ENVIRONMENTAL ASSESSMENT NO. A-01-31/R-01-54/C-02-86, SOUTHWEST CORNER OF E. SPRUCE AND N. WHITNEY AVENUES (SANDALWOOD DEVELOPMENT) (*PROPERTY LOCATED IN DISTRICT 6*)

A. APPROVE THE FINDING OF A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-01-31, R-01-54, C-02-86, AND ADDENDUM

B. RESOLUTION NO. 2003-219 - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE WOODWARD PARK COMMUNITY PLAN (PLAN AMENDMENT APPLICATION NO. A-01-31)

C. BILL NO. B-3 ORDINANCE NO. 2003-3 - AMENDING THE OFFICIAL ZONE MAP REGARDING REZONE APPLICATION NO. R-01-54, REZONE FROM AE-20/UGM TO R-2/UGM/CZ

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Planning and Development Department Planner Sanchez reviewed the staff report as submitted and advised the 26-unit complex was an amendment to the 2025 General Plan and Woodward Park Community Plan. Mr. Sanchez stated for the record that the project had been in the process during the deliberations of the 2025 General Plan update and was one of more than twenty projects not incorporated in the Plan.

Acting President Castillo left the meeting briefly at 3:32 p.m. Monte Montemagni, representing Sandalwood Development, reviewed the features of the project and explained the concerns of various property owners. Councilmember Duncan complimented the developer, stated he had received letters of opposition and protest at the beginning of the project which later turned to support.

Speaking to the issue were: Dr. Voth, 2436 E. Fire Avenue, filed signatures opposing project, on file in the City Clerk's Office, and expressed concern with parking problems; Terry Noble, 2456 E. Fir, stated if this project was approved he was concerned with changing the zoning in the surrounding areas; Bart Burgin, 7135 W. Whitney, spoke in support of the project; Ray Schilling, 7297 N. Sierra Vista, expressed concern with having no place for children to play and opposed the project; Pat Siraga, 2374 E. Fir, spoke in support, stated the developer has worked with the property owners; and Jimelle Walls, 839 N. Wilson, spoke to the issue.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Councilmember Duncan stated when the project is complete the area will be more attractive and would add value to the neighborhood, and reiterated the importance of putting forth quality in-fill projects. President Boyajian questioned the traffic and parking issues with Mr. Sanchez responding.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the Mitigated Negative Declaration for Environmental Assessment No. A-01-31, R-01-54, C-02-86, dated April 23, 2002, and addendum dated December 27, 2002, hereby approved, and the above entitled Resolution No. 2003-219 hereby adopted and Bill No. B-3 rezoning the subject property from the AE-20/UGM zone district to the R-2/UGM/cz zone district subject to the recordation of a covenant containing the conditions of zoning in staff's report adopted as Ordinance No. 2003-3, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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1-G) (DISCUSSED EARLIER) APPROVE THE SALE OF A SMALL ABANDONED WELL SITE TO AN ADJACENT OWNER, APN 407-442-29T (PROPERTY LOCATED BEHIND 6460 N. DELNO AVENUE, DISTRICT 2) - PUBLIC WORKS DEPT.

Councilmember Dages stated staff had answered all his questions.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED the sale of an abandoned wellsite to the adjacent owners for a price of \$5,100 hereby approved, and the Public Works Director authorized to execute all appropriate documents to complete the transaction, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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2:40 P.M. APPEARANCE BY BARBARA HUNT TO DISCUSS THE EMPOWERMENT AND ENTERPRISE ZONES

Barbara Hunt, 246 W. Byrd expressed concern regarding the boundaries of southeast Fresno, reviewed the Empowerment and Enterprise Zones, stated the City was using the County address tracking system and questioned the by-laws of the Redevelopment Agency. **(6-0)**

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UNSCHEDULED AGENCY ORAL COMMUNICATIONS:

Barbara Hunt, 246 W. Byrd expressed concern with the definition of the Redevelopment Agency, and discussed Kearney Palm Shopping Center.

Councilmember Sterling questioned Ms. Hunt's concerns regarding to the street designation and noted she would be in contact, and as Vice Chair of the Redevelopment Agency would look into the allegations Ms. Hunt stated.

Gloria Torrez (*address not submitted*) added specifics to her statements made at the January 7, 2003 meeting, on record in the City Clerk's Office as recorded in the meeting.

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The City Council recessed and met in joint session with the Redevelopment Agency at the hour of 4:11 p.m.

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APPROVE AGENCY MINUTES OF JANUARY 6 AND JANUARY 7, 2003

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the Agency minutes of January 6 and January 7, 2003, approved as submitted.

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A. DIRECT AGENCY EXECUTIVE DIRECTOR AND CITY ATTORNEY TO WORK WITH AGENCY PERSONNEL COMMITTEE TO DEVELOP UPDATES TO AGENCY AGREEMENTS, BY-LAWS, RESOLUTIONS, PROCESSES AND PROCEDURES TO COMPLETE TRANSITION AND IMPLEMENTATION OF THE INDEPENDENT

REDEVELOPMENT AGENCY. THE PERSONNEL COMMITTEE TO REPORT BACK TO THE AGENCY BOARD WITH IMPLEMENTATION RECOMMENDATIONS AS THEY ARE DEVELOPED - CHAIR DUNCAN

1. DIRECT CITY ATTORNEY TO RETAIN THE LAW FIRM OF BACIGALUPI, NEUFELD AND ROWLEY UNDER THEIR CURRENT CONTRACT WITH THE AGENCY/CITY ATTORNEY TO ASSIST IN THE COMPLETION OF ASSIGNED TASKS OF THE PERSONNEL COMMITTEE

2. DIRECT THE EXECUTIVE DIRECTOR, AS CITY AND FRESNO REVITALIZATION CORPORATION EMPLOYEE POSITIONS BECOME VACANT, TO FILL THEM WITH REDEVELOPMENT AGENCY EMPLOYEES

Councilmember Duncan reviewed the report and stated the action requested today was for the City Attorney and Agency Executive Director to work with the Agency Personnel Committee consisting of Councilmembers Duncan, Calhoun and President Boyajian to develop updates to the Redevelopment Agreements, by-laws, resolutions, processes and procedures to complete the transition and the implementation of the independent Redevelopment Agency and report back. Mr. Duncan modified one of the requests to direct the City Attorney to assist in the completion of the assignments and to eliminate the specification of a particular law firm and also to direct the Executive Director of the Agency to begin filling vacant positions with Redevelopment Agency employees. Brief discussion ensued on the organizational chart. Councilmember Dages left the meeting briefly at 4:14 p.m and returned at 4:18 p.m. Councilmember Duncan concluded the presentation by stating the change would provide improvement.

Speaking to the issue were: Barbara Hunt, 246 W. Byrd, questioned the process of annexations, and stated it was illegal for the City Council and the Redevelopment Agency to be joint bodies; and Jimelle Walls, 839 N. Wilson requested the definition of the Redevelopment Agency with Councilmember Duncan responding.

A motion to approve the reorganization of the Redevelopment Agency was amended and acted upon after extensive discussion.

City Manager Hobbs stated the administration did not support the move that was before the Council and read into the record six reasons: **1.** Mr. Hobbs stated approximately five years ago the Mayor and Council were at odds over the RDA and Council felt compelled to separate, stated that was not the case now, **2.** Downtown revitalization is so important to the Mayor and was one of the cornerstones of his budget, suggested more structured inter-dependence between the City and the Redevelopment Agency, not more RDA independence; **3.** There were mutual goals and priorities that require collaboration such as Vision 2010, the General Plan, a Convention Center Hotel project, a possible future river walk, entertainment district downtown, the completed downtown stadium, IRS facilities and downtown parking and garages, stated the two entities were very much married; **4.** The budget constraints for both entities, and given those constraints, required enhanced fiscal coordination and streamlining between the two entities; **5.** Stated where there are issues that need to be fixed or adjusted, the entities should do that rather than go further down the road as an independent agency; and **6.** The reorganization had not been formally discussed with the Mayor and suggested since the Mayor represents the other side of the governmental equation, have a meeting with the Mayor, Council committee, the City Manager and City Attorney to look for ways to increase the structured inter-dependence. Mr. Hobbs stated five years ago when the relationship between the two entities was at its worst, the entities did not go their complete independent route, and emphasized that today the joint bodies had a good relationship and questioned why the Council/Agency would be interested in creating a more independent model.

President Boyajian stated two independent agencies have a much better chance to accomplish more, and spoke in support of the proposal.

City Attorney Montoy gave a brief history of the restructuring of the Redevelopment Agency that took place five years ago, stated the Redevelopment Agency is a State Entity governed by either of two ways and explained.

Acting President Castillo stated the Mayor has a commitment to revitalize downtown, felt the Mayor needed an opportunity to provide his input and how it would effect the Vision 2010 Plan, and stated he would not support the change at this time, with Councilmember Perea concurring. A motion to table the issue to give adequate time for the Personnel Committee to meet with the Mayor was acted upon after further. Councilmember Castillo expressed concern with the process of appointing the Personnel Committee and stated he would have liked to have been consulted prior to the appointments.

Councilmember Duncan stated the Personnel Committee was appointed in closed session and any Councilmember could have served on the committee.

A motion of Councilmember Perea, seconded by Acting President Castillo, to table the above entitled item in order to present the matter to the Mayor for his input failed, by the following vote:

Ayes	:	Castillo, Perea
Noes	:	Boyajian, Calhoun, Dages, Sterling, Duncan
Absent	:	None

Councilmember Sterling expressed concern regarding the preservation of the Redevelopment Agency, and stated there was a need to separate the two entities and hold City Council responsible to report back to the Mayor and City Manager.

Councilmember Calhoun expressed support of the proposal, stated many cities have independent RDA reporting to Council, felt this was a positive move, and reviewed how the Personnel Committee was appointed, adding the City Attorney's Office had been involved throughout the process. **(7-0)**

Councilmember Sterling emphasized the importance of having the City Attorney's Office involved and would not agree to removing the City Attorney from the Redevelopment Agency. Mr. Hobbs stated the Redevelopment Agency was critical to the City's development and emphasized the importance of the two entities being structured inter-dependent.

Councilmember Duncan stated he had met with the Mayor on the issue, advised of the Mayor's concern regarding communication from the Redevelopment Agency, with Mr. Duncan briefly reviewing ways to improve communication, and concluded by stating the employees did not know who they worked for and emphasized the importance of cleaning up the organizational chart.

On motion of Councilmember Duncan, seconded by President Boyajian, duly carried, RESOLVED the Agency Executive Director and City Attorney hereby directed to work with Agency Personnel Committee to develop updates to Agency agreements, by-laws, resolution, processes and procedures to complete transition and implementation of the independent Redevelopment Agency; the Personnel Committee directed to report back to the Agency Board with implementation recommendations as they are developed; the City Attorney hereby directed to assist in the completion of assigned tasks of the Personnel Committee; and as the Redevelopment Agency and the Fresno Revitalization Corporation employee positions become vacant, staff directed to fill them with Redevelopment Agency employees, by the following vote:

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Ayes	:	Boyajian, Calhoun, Dages, Sterling, Duncan
Noes	:	Castillo, Perea
Absent	:	None

The joint session with the Redevelopment Agency adjourned and the City Council reconvened at the hour of 5:05 p.m. in closed session.

CLOSED SESSION

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Govt. Code Section 54956.9(a)

1. CASE NAME: OLD HAMMER FIELD/FRESNO AIR TERMINAL (OHF/FAT) ENVIRONMENTAL SITE; AND BAKMAN WATER CO. V. CITY OF FRESNO, ET AL.

The City Council met in closed session in Room 2125 at the hour of 5:06 p.m. to consider the above matters and adjourned thereafter.

ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:27 p.m. having arrived and hearing no objection, President Boyajian declared the meeting adjourned.

APPROVED on the 28th day of January, 2003.

Tom Boyajian, President

ATTEST: _____
Cindy Hamby, Deputy City Clerk